

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WILLIAM A. GARRETT, JR.,
Plaintiff,

vs.

BANK OF AMERICA, N.A., *et al.*,
Defendants.

Case No. 1:14-cv-880


Beckwith, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on defendants Bank of America, N.A. and Bank of New York Mellon's motion to dismiss plaintiff's complaint (Doc. 4).

The Court recently entered an Order granting plaintiff's unopposed motion to file an amended complaint and plaintiff's first amended complaint was filed on April 13, 2015. *See* Docs. 15, 16. Accordingly, it is hereby **RECOMMENDED** that defendants' motion to dismiss (Doc. 4) be **DENIED** as moot.

Date: 4/16/15


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).